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THE BEQUEST OF
DANIEL MURRAY
WASHINGTON, D. C.
1925

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"Whoever opens a school closes a prison."—*Victor Hugo.*

64th Congress.

Ex. Doc.

SENATE.

1st Session.

No.

PETITION.

IN THE SENATE OF THE UNITED STATES.

January, 1916.

308
595

TO THE HONORABLE

The Senate and House of Representatives of the United States of America in Congress assembled:

PETITION OF PROF. WILLIAM H. H. HART, PRINCIPAL OF THE HART FARM SCHOOL AND JUNIOR REPUBLIC FOR DEPENDENT CHILDREN,
216 ARTHUR PLACE N. W., WASHINGTON, D. C.

The undersigned, your petitioner, begs leave to submit, for the consideration and adjustment by Congress, the following matters and things relative to the indebtedness of the United States to your petitioner for losses, costs and damages sustained and for services rendered by him in carrying out the provisions of sundry mandatory acts of Congress relative to the care and maintenance of dependent wards of the United States, and in that behalf, first, as to the need of the public service that brought the Hart Farm School and Junior Republic for Dependent Children into existence, on page 269 of the Report of the Commissioners of the District of Columbia for the year 1897, says:

"There are at least eight private institutions in the District of Columbia, which devote their resources exclusively to the care of white children"

and on page 280 of the same report:

* * * *The Petition in full is in possession of the Committee on Appropriations of the Senate and presents in order, proper affidavits of proof of losses, costs, services and damages and the Acts of Congress and the interpretation of the same under which they accrued.*

This Petition ought to be printed in "The Congressional Record," so that this whole matter may become available and open to general knowledge.

On page 226 of the Hearing in the Senate appropriation committee, Wednesday, February 4, 1903, Mr. Mann, of the Board of Children's Guardians, says:

“Probably no person is able to say that Prof. Hart has not lost money in maintaining the Hart Farm School and Junior Republic for Dependent Children; in other words, that the school has not cost more than the receipts from the Board of Children’s Guardians.”

And on page 17 of the tenth report of the Board of Children’s Guardians of the District of Columbia for the fiscal year ended June 30, 1903, the board says:

“The board desired not only to meet his legitimate expenditures, but to make allowance for his services and for profits on his undertaking.”

This was the plain understanding with which Professor Hart began this public service by organizing and establishing the Hart Farm School and Junior Republic for Dependent Children. And under that admitted fact he claims that the Government is morally bound to repay all losses sustained by him in this public service, together with a fair profit on the enterprise and fair remuneration for his services, amounting in all, now, on March 8, 1916, due your petitioner, as a debt created by sundry mandatory acts of Congress, the sum of two hundred and thirty-eight thousand and twenty-four dollars and eight cents (\$238,024.08).

That Congress has full power to pay this whole debt and that it is its duty so to do was indicated by the Supreme Court of the United States in the Sugar Bounty Cases, which grew out of the McKinley Law Statute of 1890; *vide* vol. IV, p. 870, American and English Encyclopedia of Law, Second Edition; and in *U. S. vs. Realty Company*, 163 U. S. The Supreme Court gave as its reason for sustaining the act of March 2, 1895, chapter 189, 28th Statutes at Large, pages 910, 933, that it is within the constitutional power of Congress to appropriate public money for the payment of claims upon the public Treasury, which are founded upon moral and equitable obligations, and upon the principle of Right and Justice, though the claims are not strictly legal. * * *

(Rest of Petition omitted except the few concluding pages giving the items of costs, losses, services and damages, and the amendment desired to settle the debt.)

Not having received from the Congress the relief prayed through all these years, your petitioner on March 8, 1906, became a bankrupt and the bankrupt court took charge of all his remaining property with

which to pay the debts of your petitioner and the Hart School and Junior Republic for Dependent Children, on June 30, 1906, ceased to exist after nine years' service and in the place of it the Government established the Colored Industrial Home School at Blue Plains in the District of Columbia to continue its work without making any settlement whatever with your petitioner for the losses and costs sustained, the damages suffered and the services rendered the Government during the nine years of the existence of the School.

For the eighteen years since that date your petitioner has besought the Congress to pay him what is due him for his losses, costs, damages, and services—omitting any claim whatever for “reasonable profits on the undertaking”—and, though rendered a bankrupt in his old age after a long life of prudence, industry, thrift and economy by this protracted delay of relief from the Congress which your petitioner has delighted to serve, yet he has never despaired of ultimately receiving all that is due him, because Congress may be wrong some of the time it does not remain so all the time and finally the hour strikes for justice and judgment where there has been faithful public service rendered zealously in response to the public need expressed in the form of mandatory laws.

And now, after haunting the corridors of the Capitol for eighteen long, weary, years, the best years of his life, your petitioner now hopes for speedy justice, in full measure, for all his losses, costs and damages sustained and all the services rendered upon the repeated mandatory acts of the Congress of the United States of America.

The bankruptcy utterly annihilated your petitioner and made sad wreckage of him and his institution and out of this wreck of a noble work for uplifting humanity your petitioner must now pick out the larger items of his losses, costs and damages for which, together with his services, recovery for his own use and behoof is prayed in this Petition. The creditors got what there was of the wreck, and the Government owes them their balances, while your petitioner got nothing but discredit and disgrace, and a ruined life and poverty, in his old age, from it all.

Loss of cash money in hand put in the school during the first three years to get it going, which was totally separate from and in addition to any payments received from the government or any supplies or credits furnished by the merchants..... \$6,971.83

The sum paid your petitioner for the year 1897-98 was only \$1,444.53, which was not one-tenth of the cost of installing the institution; the sum paid for the year 1898-99 was \$6,068.10, which was not one-third of the costs of the operation of the School for that year. The sum paid for the year 1899-1900 was \$8,444.53, and was also less than one-third the cost of the operation of the School for that year; the sum paid for the year 1900-1901 was \$10,446.58, considerably less than half the cost of the operation of the School for that year, and the same thing is true of the sum of \$10,110.23, paid your petitioner the following year, and for the four remaining years that your petitioner conducted the School in response to the mandatory laws of Congress.

Loss caused by government property clerk (Prof. Hart's affidavit in this Petition)	\$1,000.00
Loss by breach of contract, 1901-2 (Prof. Hart's affidavit in this Petition), and balance of \$675 due under that contract.....	\$5,675.00
Loss of barns by burning (Mr. Louis Hatton's affidavit in this Petition)	\$15,000.00
Loss of storehouse by burning (Mr. James M. Jackson's affidavit in this Petition)	\$2,400.00
Loss of \$8,258.60 wrongfully withheld by the government. See Sen. Doc. No. 24, 58th Cong., 2d Session.....	\$8,258.60
Loss of money paid out of the earnings of your Petitioner as law professor for care, clothing and transportation of wards after they had ceased to be inmates of the Hart Farm School and Junior Republic for Dependent Children upon the demand of the government (see p. 102 of this Petition).....	\$6,145.00
Compensation for services for nine years as Principal of the Hart Farm School and Junior Republic for Dependent Children at \$4,000.00 per annum—the same salary paid to the superintendent of the public schools of the District of Columbia.....	\$36,000.00
Schedule of losses which your petitioner sustained by bankruptcy in addition to the above enumerated losses suffered prior to the bankruptcy	
Loss of advances made to your petitioner upon Endowment Life Insurance policies in the Equitable Life Assurance Society of New York and in the Penn Mutual Life Insurance Company of Pennsylvania	\$3,108.00
Loss of four United States of America bonds due in 1907, deposited as collateral in the Columbia National Bank for loans to carry obligations incurred for the School.....	\$2,060.00

Loss of the residue of the property at the Hart Farm School and Junior Republic for Dependent Children sold at auction by the Bankruptcy Court for cash for the sum of.....	\$5,160.55
Loss of the County School property in Prince George's County, Maryland, by the sale of the fee-simple title by the Bankrupt Court	\$800.00
Loss of Lot 43 and parts of Lot 44 in Square 442 in the City of Washington in the District of Columbia, consisting of a plot of ground 50x105 improved by a three-story brick dwelling house, the home, store, tenant house, residence and stable of your petitioner, sold by the Bankrupt Court for the sum of.....	\$10,485.97
Loss of the Hart Farm property in the State of Maryland through the Bankrupt Proceedings	\$15,000.00

The loss of the farm was the most cruel stroke of all the ill fortune. I had planted my orchards, set out my vineyards, every tree and vine with my own hands, and watched them tenderly until their boughs hung heavy with luscious fruit.

Every inch of land had its use and charm, its vales and dells, its rolling meadows and uplands, its game reserves and fishing inlets, and ten miles away a vista of Washington, the City Beautiful, upon the tawny Potomac, mother of wealth to all who live upon her shores.

I had set up my boundaries, ditched and drained and cleared and rolled it all until it had become my big garden, my Eden!

Its loss broke my heart and my spirit and caused a crack in my brain and destroyed my health. I have never recovered from it and never shall.

The malevolence that wrought the ruin sent its poisoned shaft home to its mark and turned my paradise into a desert.

The farm was as valuable as it was beautiful. It was adjacent to the Government Reservation of Fort Washington, where more than eight millions of dollars have recently been spent for improvements. Many years ago a few acres of my tract had been taken by the Government at one hundred dollars an acre and the War Department had made surveys which would have taken the whole six hundred and forty acres as a target range.

And its convenient location was another element of value. The Government built me a splendid roadway upon which I could speed a harness horse from the wharf—the finest on the Potomac—into my

farm at its river entrance, and I had a river front also for the landing of scows with stores of fertilizing materials.

To the harvests of our gardens and fields we added the harvests of our fishing shore and could drift with the tide to Washington in our boats and with the turning tide drift home again.

It was just near enough to the great city to make us its neighbor and just distant enough to escape its noise and fret and fever. Its real value was threefold what I have put down for its loss. Its prospective value will be tenfold greater and I have a baby boy, born in my fiftieth year, whom I would have planted on his feet there.

Loss of policies in the Equitable Life Assurance Company and in the Pen Mutual Insurance Company.....	\$25,000.00
Money due the Clementine N. Bartlett Estate for supplies furnished the School as fuel and as rent of which your petitioner is executor and beneficiary under her last will and testament.....	\$5,700.00

Damages under the unanimous resolution of the United States Senate of April 26, 1904, from March 8, 1906, the date of the bankruptcy, to March 8, 1916, on the sum of \$148,765.05, calculated at the legal rate of interest on money due and unlawfully withheld—\$89,-258.03—making a total sum due March 8, 1916, and payable for costs, losses, damages and services.....	\$238,024.08
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Your petitioner now comes and prays the payment of this sum of two hundred and thirty-eight thousand and twenty-four dollars and eight cents in the Deficiency Bill in the name of justice. In a great Republic founded upon the principle that each individual must make his own way in the world justice—*suum cuique tribuere*—is the universal first need of the whole body politic and of each of its social units.

Without justice from his fellow citizens the life, liberty and fortune of no individual can be secured by his own recitude of character, industry and thrift, and without justice any citizen may at any moment be made the helpless victim of the Government—the supreme purpose of which is to establish and maintain justice for all the people. The need of justice is, therefore, the primal and essential need of society. Its importance transcends that of art, arms, education, religion or economics, because it is the cement which holds society together and produces all the orderly processes of moral progress and power in

the social world just as the great law of gravitation does in the material universe. In the name of this justice, your petitioner comes to this Congress of the United States of America seeking what is his own from it for services rendered in its behalf and upon its mandatory orders repeated from year to year, and which, if your petitioner had disobeyed or negligently performed, would have subjected him to indictment and trial as a criminal. The moral law for a nation is in no wise different from that for an individual, except that for the nation it is more imperative in its obligation.

The United States is an institution for the protection and safeguarding of the happiness of individual citizens. Says Milton: "A nation ought to be but as one large moral personage, one mighty growth or stature of an honest man, as big and compact in virtue as in body, for look, what the ground and causes are of single happiness to one man, the same ye shall find them to be to a whole state." In addition to this \$238,024.08 in money this Congress owes your petitioner the formal and solemn thanks of Congress for the signal, novel and necessary service to the country—humanity—and cause of education—rendered by him in the establishment and maintenance of the Hart Farm School and Junior Republic for Dependent Children, the essential principles of which have been adopted by all the penal and reformatory institutions in the District of Columbia.

Wherefore, upon the premises stated, your petitioner prays that an amendment for his relief be incorporated in the Deficiency Bill which will secure him the payment of the sum of two hundred and thirty-eight thousand and twenty-four dollars and eight cents as reimbursement for his naked losses, costs and damages suffered, and as a compensation for his services rendered during nine years.

Your petitioner begs to suggest that the amendment be drawn in such terms as will enable him to get the money himself, without the endless and wasteful litigation in the bankrupt court on account of his bankruptcy. He prays, therefore, that the amendment be drawn as follows:

"For the relief of Professor William H. H. Hart, Principal of the Hart Farm School and Junior Republic for Dependent Children, the sum of two hundred and thirty-eight thousand and twenty-four dollars and eight cents as payment in full for his costs, losses, damages and services in the care and maintenance of certain wards of the United States under sundry mandatory

Acts of Congress from November 11, 1897, to June 30, 1906, the same to be paid to the said Professor William H. H. Hart, Principal of the Hart Farm School and Junior Republic for Dependent Children, upon the approval of this Act for his own use and behoof as a gratuity."

And to grant your petitioner such other and further relief in the premises as to justice and good conscience seemeth meet and proper and your petitioner will ever pray.

WILLIAM H. H. HART,
*Principal of the Hart School and
Junior Republic for Dependent Children.*

No. 216 Arthur Place,
Washington, D. C.

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